

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Alejandra AVILEZ

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 21, 2019 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 USC 1324

Offense Description

Knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, did transport and move and attempted to transport and move and conspired to transport and move such alien within the United States by means of transportation and otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on Affidavit

☒ Continued on the attached sheet.

/S/Joshua Steele

Complainant's signature

Joshua Steele

Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence,

Date: December 23, 2019

Judge's signature

City and state: Laredo, Texas

Sam Sheldon

U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

In support of Criminal Complaint

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

Alejandra AVILEZ

Case Number:

1. On December 21, 2019, United States (U.S.) Border Patrol Agents (BPAs) apprehended U.S. Citizen Alejandra Avilez after she was found transporting two illegal aliens in furtherance into the United States. The arrest occurred at the U.S. Border Patrol Checkpoint located on Interstate Highway 35 (IH-35) near mile marker 29, near Laredo, Texas in Webb County.
2. At approximately 12:15 a.m., a BPA conducted an immigration inspection on the occupants of a white four door pick-up truck driven by Avilez. Avilez identified herself as a U.S. Citizen to the BPA. The front passenger, Macedonia Lopez-Lopez, stated she was a U.S. Citizen (she was later found to be a Mexican National). The rear passenger, Lorena Frias Cupil, remained silent when the BPA asked for her citizenship. Frias Cupil handed a U.S. Birth Certificate to the BPA; the BPA asked Frias Cupil to state the name on the birth certificate, and Frias Cupil was unable to state the name. Avilez was referred to the secondary inspection area for further inspection.
3. Once at the secondary inspection area, Frias Cupil stated she could not remember any of the information contained in the birth certificate. She was walked inside the checkpoint to conduct record checks. Once inside the checkpoint, Frias Cupil stated she was a Mexican National illegally present in the United States. She was placed under arrest. Avilez and Lopez-Lopez were also placed under arrest and walked inside the checkpoint. While being walked to the checkpoint, Lopez-Lopez also stated she was a Mexican National illegally present in the United States.
4. During a search incident to the arrest, a fraudulent Permanent Resident Card and a fraudulent Social Security Card were retrieved from Avilez's purse.
5. **PRINCIPAL:** At approximately 2:08 a.m., Avilez was read her Miranda Warnings which she acknowledged and invoked her right to have an attorney present during questioning. All questioning ceased.
6. At approximately 5:00 a.m., Avilez was allowed to contact someone of her choice to retrieve her personal belongings. Avilez contacted her husband in the presence of a BPA. The BPA heard Avilez tell her husband that she was just trying to help two women.
7. **MATERIAL WITNESS:** Mexican National Macedonia Lopez-Lopez stated she was born in Tabasco, Mexico and is a citizen of Mexico. She stated her sister made arrangements for her to be smuggled into the U.S.; she agreed to pay \$6,500 U.S. Dollars once she arrived to her final destination of North Carolina. Lopez-Lopez stated she illegally crossed into the U.S. on December 20, 2019 near Laredo, Texas at approximately 3:00 a.m.; she was guided through the brush by a guide and was then picked up by a 2 door pick-up truck. Lopez-Lopez stated she was taken to a house where she remained for approximately 8 hours. She was then driven, by a male driver, to a parking lot.
8. At the parking lot, she was picked up by Avilez, who was in the company of a male passenger, in a four door pick-up truck. The male passenger took Lopez-Lopez's cellular phone and told her she could retrieve it at his house in San Antonio, Texas. The male passenger was not seen after they stopped at a gas station to use the restroom. Lopez-Lopez identified, in a six person photo lineup, Avilez as the driver of the vehicle she was arrested at the checkpoint. While driving towards the checkpoint, Lopez-Lopez stated Avilez handed her a birth certificate and instructed her to hand over the document to immigration officials and to say she was

her daughter. Lopez-Lopez stated Avilez requested the birth certificate back once they were referred to secondary inspection.

10. MATERIAL WITNESS: Mexican National Lorena Frias Cupil stated she was born in Tabasco, Mexico and is a citizen of Mexico. She stated her husband made arrangements for her to be smuggled into the U.S.; he agreed to pay \$6,500 U.S. dollars once she arrived to her final destination of North Carolina. Frias Cupil stated she illegally crossed into the U.S. on December 20, 2019 near Laredo, Texas at approximately 3:00 a.m.; she was guided through the brush by a guide and was then picked up by a 2 door pick-up truck. Frias Cupil stated she was taken to a house where she remained for approximately 8 hours. She was then driven, by a male driver, to a parking lot.

11. At the parking lot, she was picked up by Avilez, who was in the company of a male passenger, in a four door pick-up truck. The male passenger took Fria Cupil's cellular phone and told her she could retrieve it at his house in San Antonio, Texas. The male passenger was not seen after they stopped at a gas station to use the restroom. Frias Cupil identified, in a six person photo lineup, Avilez as the driver of the vehicle she was arrested at the checkpoint. While driving towards the checkpoint, Frias Cupil stated Avilez handed her a birth certificate and instructed her to hand over the document to immigration officials and say she was her sister. Once they were referred to secondary inspection, Frias Cupil stated Avilez instructed her to state the name on the birth certificate.

SUBSCRIBED and SWORN to before me on

23rd day of December, 2019

Signature of Judicial Officer

/S/ Steele, Joshua Border Patrol Agent

Signature of Complainant